

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 724 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BP SINGH & 1

Versus

BALUBHAI M DESAI

Appearance:

MR JB PARDIWALA for Petitioners

MR MT KIKANI for Respondent No. 1

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 19/03/96

ORAL JUDGEMENT

Rule. Mr. Kikani, learned counsel waives service of Rule for the respondent. In the facts and circumstances of the case, matter is finally heard today.

The petitioners, who are original defendants tenants, have preferred this revision application against the order passed below application Ex.5 filed in the lower appellate court. By the impugned judgment, the learned Extra Assistant Judge, Navsari, dismissed the

application Ex.5 in Regular Civil Appeal No. 90 of 1994 and thereby refused to stay execution of the decree of possession of the suit premises, passed by the trial court.

By the order dt. April 20, 1995, this court (Coram: S.D.Dave, J.), passed the following order:-

" Notice returnable on 13/6/95. The status quo qua the possession shall be maintained, subject to the condition that all the arrears are paid or deposited by the petitioners on/or before 20/5/1995. On the failure on the part of the petitioners to do so, shall result in the lifting of the orders in favour of the petitioners. D.S. permitted."

Mr.J.B.Pardiwala, learned counsel appearing for the petitioners, states that the petitioners have paid due amount of arrears before 20th May 1995, and the aforesaid order of this court stands complied with. Mr. Kikani, learned counsel appearing for the respondents does not dispute this fact.

In the above view of the matter, the impugned order passed by the learned Extra Assistant Judge, Navsari dt. 20th March 1995 below application Ex.5 in Regular Civil Appeal No. 90 of 1994, is no longer sustainable. The said order is, therefore, quashed. Rule is accordingly made absolute. No costs.
